

**REMARKS**

Reconsideration of the subject patent application is respectfully requested.

The application includes twenty (20) claims wherein claims 1-14 have been rejected and claims 15-20 have been indicated as allowable if rewritten in independent form so as to include all of the limitations of the base claim and any intervening claims. There are no other issues raised by the Examiner in this most recent Office Action. With regard to the claim rejections, claims 12 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Frehland et al. Claims 1, 9, 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Beazley. Claims 2-8 and 12-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beazley in view of Herman et al.

In response to this Office Action (non-final), claims 1 and 12 have been amended. Claims 5-10 and 13-18 have been canceled. Additionally, new claims 21-27 have been added. In terms of the allowable claims, claims 12, 13, 14, and 15 have been combined and rewritten as new claim 21. Considering the prior claim dependencies, claim 22 depends from 21 and includes the additional language of claim 16. Claim 23 depends from claim 21 and includes the additional language of claim 17. New independent claim 24 is a combination of claims 12 and 18. With regard to new independent claim 25, it is noted that the Examiner had previously indicated the allowability of claims 19 and 20. The only difference between these two claims is that claim 19 recites the "outer" surface while claim 20 recites the "inner" surface. Since it is logical to assume that there are either inner or outer surfaces of the particular structure, claim 25 is in effect a

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combination of claims 12, 19, and 20 with simply the omission of the both "outer" and "inner".

Since it is contended that independent claims 1 and 12, as amended, adequately distinguish from the cited references, those two claims should be allowed. As the amending changes were being considered and claims 1 and 12 compared to each of the cited references, both individually and in combination, it became apparent that just a portion of claim 1 was sufficient to distinguish that claim from the prior art. It is also appeared that only a portion of claim 12 would be required to distinguish that claim from the prior art. It then appeared that mixing these distinguishing features between claims 1 and 12 into two new claims would also distinguish those claims from the prior art. Additionally, all four of these configurations are disclosed and supported by the specification. In effect, what we have with the disclosed invention is the option for the upper or top spud to be either in unitary construction with that upper rotor portion or to be assembled as a separate component part. With regard to the lower spud, it can either be a unitary part of the base or a separate component that is assembled into the lower rotor portion. These various combinations then provide four separate claims. These four separate claims are represented by independent claims 1, 12, 26, and 27.

With regard to the amending changes to claim 1, language has been added to make it abundantly clear that the first rotor shaft spud is a part of the overall unitary construction of that first rotor portion. The same is true with regard to the second rotor shaft spud being a part of the unitary construction of the baseplate. The only reference cited by the Examiner in the rejection of claim 1 was Beazley. The Examiner's comments imply that the Examiner did not interpret the original claim language as

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requiring the first rotor shaft spud to be a part of the unitary construction of the first rotor portion. If the issue was the term "including", hopefully the additional language supplied as part of this amendment will clarify that issue. It should be quite clear that the Beazley construction does not include a first or second rotor shaft spud that is a part of a unitary construction. Additionally, in the Beazley reference, it is not seen how the Examiner could ever conclude that the centertube extension is included as part of item 15. There is no physical connection between these portions and there does not appear to be any functional or operational connection. Nevertheless, the unitary construction, as claimed, clearly distinguishes claim 1 from Beazley and from any of the other references cited by the Examiner.

With regard to claim 12, both the first and second rotor shaft spuds have been amended to define an interior passage for fluid delivery through that particular rotor shaft spud. Further, the language of claim 12 has been clarified such that "joined" has been refined so as to state "assembled into". A final change to claim 12 is to recite that the fluid processing element is not only positioned in the rotor interior, but is actually received by the baseplate. Claim 12 was rejected under §102(b) based upon Frehland and further rejected under §103(a) based upon a combination of Beazley and Herman et al. Consequently, claim 12, as amended, needs to be compared to each of the three references, or at least the primary references cited by the Examiner.

First, with regard to the Frehland et al. reference, what the Examiner has identified as an upper or top spud portion (32) is not configured as a separate component that is assembled into that upper rotor portion. Additionally, there is no flow passage through that upper spud for fluid delivery. Similarly, the lower structure that the

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Examiner believes constitutes the spud is not assembled into the lower rotor portion. Further, what the Examiner has identified as the recited "baseplate" is instead described in Frehland et al. as simply a channel cover so as to form a hollow cross section. Both structurally and functionally, this cover is not a baseplate, but to clearly distinguish the claimed invention from that cover, claim 12 has been amended to further recite that the fluid processing element is actually received by the baseplate. This structural relationship is non-existent in Frehland et al.

With regard to claim 12 relative to Beazley, the first point to be noted is that the selected terminology of the term "spud" was done intentionally to clarify the overall structural nature of that component and to readily and clearly distinguish it from an elongated tube, centertube, or shaft, such as what is disclosed in Beazley. To the extent that this term will be interpreted in view of the specification, there is no basis to conclude that it equates to an elongated hollow centertube.

Additionally, what the Examiner considers to be the upper or top spud does not provide any disclosure of any type of flow passage through that upper end into the area of bearing 10.

Further, considering claim 12 relative to the disclosure of Beazley, the Examiner has suggested that Beazley includes a fluid processing element and identifies reference numbers 21 or 25 as constituting that claim element. It should be noted that, based on the Beazley disclosure, item 21 is a filter gauze and 25 refers to the sludge that is collected on the interior of wall 14. Neither of these items constitutes a fluid processing element as that phrase would be interpreted in view of the specification of this application.

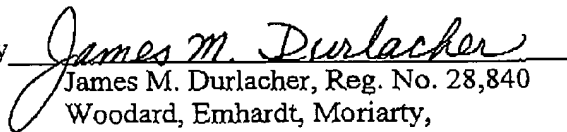
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With regard to new claims 26 and 27, claim 26 includes portions of claim 1 and portions of claim 12 that readily distinguish this claim from any of the art cited by the Examiner. Claim 27 combines other portions of claim 1 with other portions of claim 12 that also distinguish this claim from any of the prior art cited by the Examiner.

In view of the amending changes that have been submitted and considering the remarks and analysis provided herein, the Examiner is respectfully requested to allow claims 1-4, 11, 12, and 19-27. In view of the additional independent claims, an additional filing fee of \$800 has been calculated and a credit card authorization in that amount is submitted herewith.

Respectfully submitted,

By



James M. Durlacher, Reg. No. 28,840  
Woodard, Emhardt, Moriarty,  
McNett & Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456